

NICHOLAS A. TRUTANICH  
 United States Attorney  
 District of Nevada  
 Nevada Bar No. 13644  
 LISA C. CARTIER GIROUX  
 Nevada Bar No. 14040  
 Email: Lisa.Cartier-Giroux@usdoj.gov  
 KIMBERLY SOKOLICH  
 Email: Kimberly.Sokolich@usdoj.gov  
 Assistant United States Attorneys  
 501 Las Vegas Blvd. South, Suite 1100  
 Las Vegas, Nevada 89101  
 Phone: (702) 388-6336  
*Representing the United States of America*

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

United States Of America,	)	Case No. 2:20-mj-00801-DJA
	)	
Plaintiff,	)	<b>ORDER To Continue Preliminary</b>
	)	<b><u>Hearing</u></b>
vs.	)	(First Request)
	)	
Alejandro Avalos,	)	
	)	
Defendant.	)	

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A Trutanich, United States Attorney; Lisa Cartier Giroux, Assistant United States Attorney; Kimberly Sokolich, Assistant United States Attorney, representing the United States of America and William Brown, Esq., counsel for defendant Alejandro Avalos, that the preliminary hearing in the above captioned case, which is currently scheduled for September 25, 2020 at 4:00 pm, be continued and reset to a date and time convenient to the Court, but no sooner than sixty (60) days.

1. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-04 (collectively with General Order 2020-

03, “the General Orders”), which noted that “the COVID-19 pandemic has continued to spread,” resulting in the need for “more aggressive social-distancing measures.” The Court noted further that, “[o]n March 17, 2020, the Governor of the State of Nevada ordered the closure of many business establishments and strongly encouraged all citizens to stay home.” Accordingly, the Court ordered the temporary closure of the Clerk’s office, and implemented other changes, including “striving to eliminate in-person court appearances.” In the event any hearing must go forward, the Court will conduct the hearing via video or teleconference. On April 29, 2020, the Court amended this order, Amended General Order 2020-04, continuing the closure of the clerk’s office and notes future plans to “incrementally resume in-person court appearances as appropriate based on recommended health guidelines.” Amended General Order 2020-04 is effective until further notice.

2. Accordingly, based on the public health emergency brought about by the COVID-2019 pandemic, and the required social-distancing measures as recognized in the General Orders; the parties agree to continue the currently scheduled preliminary hearing from September 25, 2020 at 4:00 pm, to a date and time convenient to the Court, but no sooner than sixty (60) days.

3. Federal Rule of Criminal Procedure 5.1(d) provides that a magistrate judge may extend the time limits in Rule 5.1(c) with the defendant’s consent and upon a showing of good cause taking into account the public interest in the prompt disposition of criminal cases. Because of the COVID-19 pandemic, and the resulting various closures and resource limitations, good cause exists to allow the defense more time to prepare for the preliminary hearing.

4. The time from September 25, 2020, to the new preliminary hearing date will be excludable under the Speedy Trial Act, Title 18, United States Code, Section

1 3161(h)(7)(A), which provides that the Court may exclude time arising from a continuance  
2 upon finding that the ends of justice served by granting the continuance outweigh the best  
3 interests of the defendant and the public in a speedy trial.

4 5. Additionally, the government will provide counsel for the defendant with  
5 limited Rule 16 Discovery in order to facilitate a pre-indictment resolution. Counsel for the  
6 defendant requests an opportunity to review the discovery and discuss it with their respective  
7 client prior to a preliminary hearing or indictment.

8 6. This continuance is not sought for purposes of delay, but to account for the  
9 necessary social-distancing in light of the COVID-2019 public health emergency and to allow  
10 defense counsel an opportunity to review discovery with their client.

11 7. Both counsel for the defendant and counsel for the government agree to the  
12 continuance.

13 8. The defendant is not detained and agrees to the continuance.

14 9. Denial of this request could result in a miscarriage of justice, and the ends of  
15 justice served by granting this request outweigh the best interest of the public and the  
16 defendants in a speedy trial.

17 ...

18 ...

19 ...

1           10.     The additional time requested by this stipulation is excludable in computing  
2 the time within which the indictment must be filed pursuant to the Speedy Trial Act, Title  
3 18, United States Code, Section 3161(b), and considering the factors under Title 18, United  
4 States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

5           11.     This is the first request to continue the preliminary hearing.

6           DATED this 16th day of September, 2020.

7  
8 NICHOLAS A. TRUTANICH  
United States Attorney

/s/ William Brown  
WILLIAM BROWN  
Counsel for Defendant Alejandro Avalos

9 /s/ Lisa C. Cartier Giroux  
10 LISA C. CARTIER GIROUX  
Assistant United States Attorney

11 /s/ Kimberly Sokolich  
12 KIMBERLY SOKOLICH  
Assistant United States Attorney  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

United States Of America, ) Case No. 2:20-mj-00801-DJA  
)  
Plaintiff, ) **Findings and Order on Stipulation**  
)  
vs. )  
)  
Alejandro Avalos, )  
)  
Defendant. )

---

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. To account for the necessary social-distancing in light of the COVID-2019 public health emergency and with the defendants' consent, the preliminary hearing in this case should be continued for good cause.
2. The government will provide counsel for defendant with limited Rule 16 Discovery in order to facilitate a pre-indictment resolution. Counsel for defendant requests an opportunity to review the discovery and discuss it with their client prior to a preliminary hearing or indictment.
3. Both counsel for the defendant and counsel for the government agree to the continuance.
4. The defendant is not detained and agrees to the continuance.
5. This continuance is not sought for purposes of delay, but to allow defense counsel an opportunity to review discovery with their client prior to a preliminary hearing or indictment.

1 6. Denial of this request could result in a miscarriage of justice, and the ends of justice  
2 served by granting this request outweigh the best interest of the public and the  
3 defendants in a speedy trial.

4 7. The additional time requested by this stipulation is excludable in computing the time  
5 within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18,  
6 United States Code, Section 3161(b), and considering the factors under Title 18,  
7 United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

8 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the  
9 above-captioned matters currently scheduled for September 25, 2020, at 4:00 p.m., be  
10 vacated and continued to November 30, 2020, at 4:00 p.m. Courtroom 3A.

11 DATED this 17th day of September, 2020.

12  
13  
14 

15 THE HONORABLE DANIEL J. ALBREGTS  
16 United States Magistrate Judge  
17  
18  
19  
20  
21  
22  
23  
24